

Serial No.: 10/565,390
Docket No.: 28951.1170

REMARKS

Claims 1, 2, 4, 6-9, 15, 16, 18, 19, 21 and 22, as amended, remain herein.

Claims 10-14, 17, 20 and 23-35 also remain herein, but are presently withdrawn from consideration.

1. Applicants appreciate the allowance of claims 1, 8 and 9. Claims 2 and 4 have now been amended to incorporate the allowable subject matter of claims 3 and 5, thus mooting the rejection of claims 2, 4, 15, 16, 18, and 19. Accordingly, claims 1, 2, 4, 8, 9, 15, 16, 18, and 19 are now fully in condition for allowance.

2. Claims 6, 21 and 22 were rejected under 35 U.S.C. § 103(a) over Kruschwitz U.S. Patent Application Publication 2003/0039036 in view of Kubota et al. U.S. Patent 5,807,440. However, both Kruschwitz and Kubota fail to disclose or suggest separating a spatial light modulator from a diffuser based on the pitch of unevenness in the transmissivity of the diffuser, as claimed by applicants. The portion of Kubota cited by the Office Action (col. 3, lines 49-53) merely states preferable optical characteristics of a photovoltaic device without suggesting that the distance between a spatial light modulator and a diffuser be varied for any reason.

Furthermore, Kubota is non-analogous art and, therefore, cannot properly be the basis for rejection of applicants' claimed invention. Kubota discloses a photovoltaic device that can vary the color of an exterior surface, classified by the U.S. Patent and Trademark Office with photoelectric batteries (U.S. Classification 136/256) whereas Kruschwitz discloses a laser projection display system (U.S. Classification 359/707) in an entirely different art. Furthermore, there is no similarity in structure or function between the laser projection display system of

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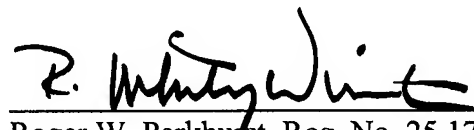
Kruschwitz and the photovoltaic device of Kubota. Accordingly, one of ordinary skill in the art would not reasonably have expected to solve the shortcomings of Kruschwitz by considering Kubota, a reference dealing with a photovoltaic device.

And, there is no disclosure or suggestion in either of these references to combine any portions thereof effectively to anticipate or obviate applicants' claimed inventions. Accordingly, neither Kruschwitz nor Kubota discloses or suggests applicants' claimed invention.

For all of the foregoing reasons, applicants respectfully request reconsideration and withdrawal of the rejection of claims 6, 21 and 22.

This application is now fully in condition for allowance and a notice to that effect is respectfully requested. The PTO is hereby authorized to charge/credit any fee deficiencies or overpayments to Deposit Account No. 19-4293 (Order No. 28951.1170). If further amendments would place this application in even better condition for issue, the Examiner is invited to call applicant's undersigned attorney at the number listed below.

Respectfully submitted,
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